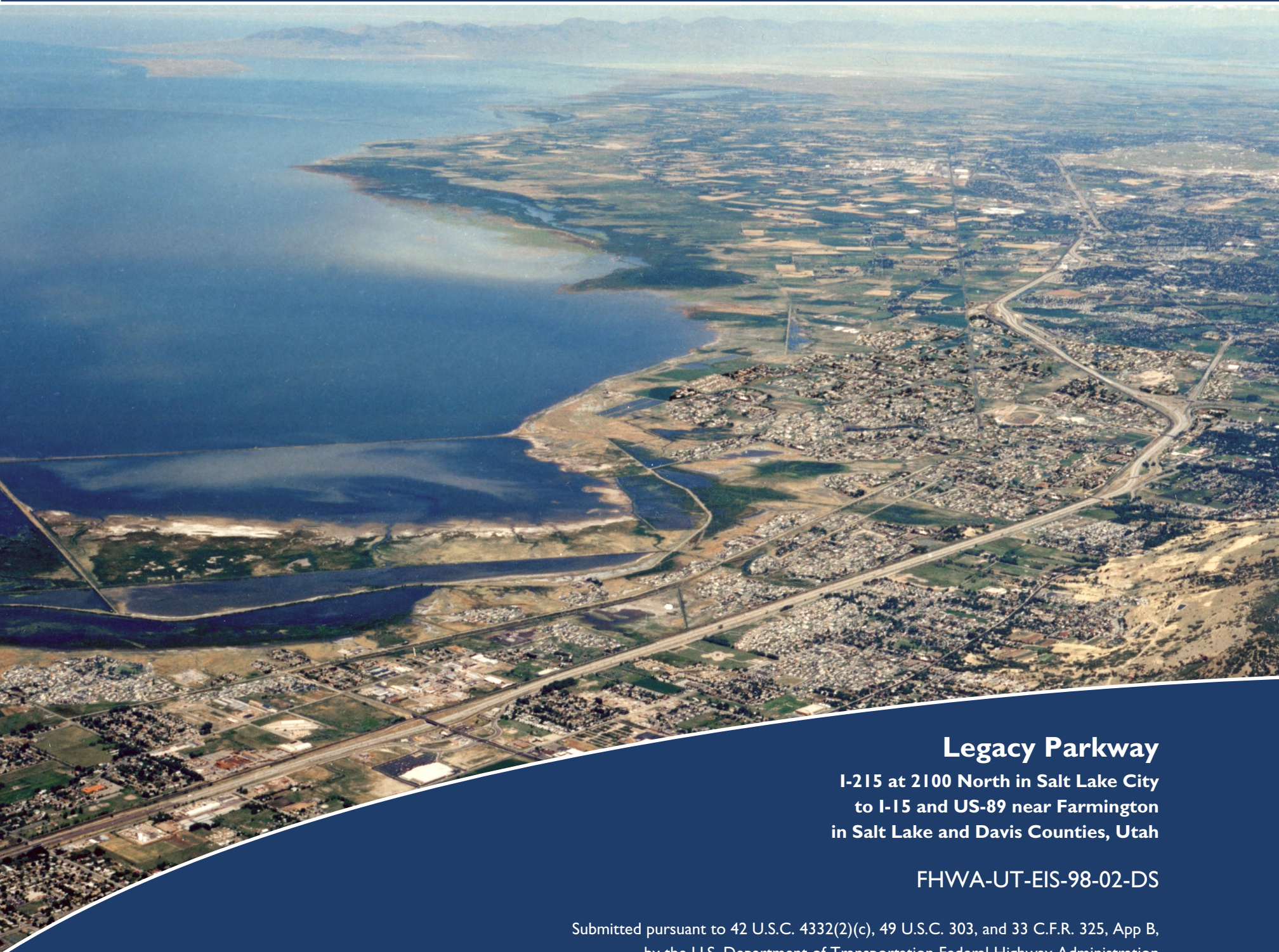


# Draft Supplemental Environmental Impact Statement/Reevaluation and Draft Section 4(f), 6(f) Evaluation

December 2004



## Legacy Parkway

I-215 at 2100 North in Salt Lake City  
to I-15 and US-89 near Farmington  
in Salt Lake and Davis Counties, Utah

FHWA-UT-EIS-98-02-DS

Submitted pursuant to 42 U.S.C. 4332(2)(c), 49 U.S.C. 303, and 33 C.F.R. 325, App B,  
by the U.S. Department of Transportation Federal Highway Administration  
and U.S. Army Corps of Engineers



**Legacy Parkway**  
I-215 at 2100 North in Salt Lake City  
to I-15 and US-89 near Farmington  
in Salt Lake and Davis Counties, Utah

**Draft**  
**Supplemental Environmental Impact**  
**Statement/Reevaluation**  
**and Draft Section 4(f), 6(f) Evaluation**

Submitted pursuant to 42 U.S.C. 4332(2)(c), 49 U.S.C. 303, and 33 C.F.R. 325, App B,  
by the U.S. Department of Transportation Federal Highway Administration (FHWA) and  
U.S. Army Corps of Engineers

Cooperating Agencies: U.S. Department of the Interior Fish and Wildlife Service, U.S. Environmental  
Protection Agency, and Federal Transit Administration

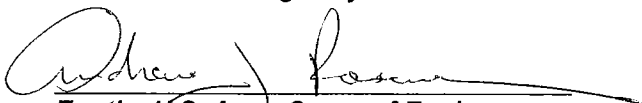
State Highway Agency/Section 404 Permit Applicant: Utah Department of Transportation

**December 2004**

11/16/04  
Date of Approval

18 NOV 2004  
Date of Approval

  
For the Federal Highway Administration

  
For the U.S. Army Corps of Engineers

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**Abstract**

Based on the results of the reevaluation of alternatives considered in the Final EIS, the Utah Department of Transportation proposes the construction of a four-lane, limited-access, divided highway extending 22.5 kilometers (14 miles) from Interstate 215 (I-215) in Salt Lake City north to I-15 and U.S. Highway 89 (US-89) in Farmington. The primary purpose of this Legacy Parkway project is to help meet existing and projected travel demand through 2020 in the North Corridor by providing additional north-south transportation capacity. Five alternatives are considered in detail in the Supplemental EIS: the No-Build Alternative; Modified Alternatives A, B, C; and Alternative E. Alternative E follows the same alignment as the Final EIS Preferred Alternative, Alternative D, but has a narrower right-of-way width than Alternative D and includes features to integrate it with mass transit. Updated information is provided on environmental impacts in over 20 categories. As described in the Final EIS, key impacts remain wetlands, wildlife habitat, developable lands, relocations, farmland, and cost. Mitigation measures to reduce the levels of impacts are also described herein.

Comments on the Draft Supplemental EIS are due by February 1, 2005, to Gregory Punske (FHWA) at the above address.

# **DRAFT**

## **Legacy Parkway Supplemental Environmental Impact Statement/Reevaluation and Draft Section 4(f), 6(f) Evaluation**

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## Summary

# Summary

This section of the supplemental environmental impact statement/reevaluation (Supplemental EIS) provides a summary of new information presented in the Supplemental EIS as a result of reevaluation of the June 2000 *Legacy Parkway Final Environmental Impact Statement and Section 4(f), 6(f) Evaluation* (Final EIS) (FHWA-UT-EIS-98-02\_F) (Federal Highway Administration et al. 2000). The Supplemental EIS includes a presentation of results of evaluations arising from the remand handed down by the U.S. Court of Appeals for the Tenth Circuit, as well as reevaluation of the purpose and need for the action, the alternatives screening process, and the environmental impact analysis and proposed mitigation measures. This chapter presents a summary of that information and a discussion of areas of controversy, including major issues yet to be resolved, and a listing of federal actions required to implement the Legacy Parkway project. The organization and content of the Supplemental EIS are explained in the *Foreword/Introduction* section of this document in the subsection titled “Organization of Draft Supplemental Environmental Impact Statement.”

This Supplemental EIS is a supplement to the Final EIS. The Federal Highway Administration (FHWA) and the U.S. Army Corps of Engineers (Corps), as joint lead agencies, issued a notice of intent to prepare the Supplemental EIS in April 2003. It incorporates updated information as a result of the comprehensive reevaluation of the Final EIS. In some sections, information that is still valid from the Final EIS is repeated herein for context. This Supplemental EIS also contains detailed information addressing issues identified in the decision of the U.S. Court of Appeals for the Tenth Circuit (*Utahns for Better Transportation et al. v. U.S. Department of Transportation et al.* [305 F.3d 1152 10th Cir. 2002]). The appellate court determined that the following five specific issues were in need of further review.

- Practicability of a narrower right-of-way.
- Elimination of the Denver & Rio Grande (D&RG) regional alignment as a feasible alternative based on cost and substantial impacts on existing development.
- Integration of Legacy Parkway with expansion of mass transit.
- Alternative sequencing of components of the Shared Solution.
- Impacts on wildlife.

As a result of the appellate court decision, all construction work for Legacy Parkway has been halted, with the following exceptions: right-of-way acquisition, design work, certain activities related to the implementation of the Legacy Nature Preserve mitigation sites, and construction activities associated with the upgrade of the Park Lane (formerly Burke Lane) interchange in Farmington. This work has continued consistent with an agreement of the parties as entered by the court.

The Federal Highway Administration (FHWA) and the U.S. Army Corps of Engineers (Corps), as joint lead agencies, issued a notice of intent to prepare the Supplemental EIS in April 2003. Consistent with FHWA-specific National Environmental Policy Act (NEPA) guidance, a reevaluation of the Final EIS was conducted because construction of the project was halted as a result of the appellate court decision and over 3 years have passed since FHWA filed the Final EIS. The reevaluation process was used to determine whether any issues, in addition to the limited deficiencies identified in the appellate court decision, warranted attention in the Supplemental EIS. Concurrent with the release of this Supplemental EIS, the Utah Department of Transportation (UDOT) is applying for a modification to its Section 404 permit to address the reduced right-of-way width proposed for all build alternatives analyzed in this Supplemental EIS.

In preparing the Supplemental EIS, FHWA and the Corps conducted the reevaluation and developed technical memoranda to address issues identified in the appellate court decision. Public participation in developing the Supplemental EIS has included NEPA scoping, meetings of a community planning and information committee (CPIC), small group meetings, and public review of this Draft Supplemental EIS. Interagency consultation and coordination has been accomplished through meetings with the cooperating agencies, involving the U.S. Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), and the Federal Transit Administration (FTA). EPA and USFWS also provided representatives to participate on the science technical team, which assisted in the reevaluation of wildlife impacts. State, regional, and local agencies have also been consulted.

## **Reevaluation of Purpose of and Need for Action**

The purpose of and need for the action has not changed since publication of the Final EIS. Growth projections and traffic data supporting the purpose and need have been updated, however. The purpose of the Legacy Parkway project remains as stated in Chapter 1 of the Final EIS (page 1-41). The primary purpose of the project is to provide capacity to relieve traffic congestion through the year 2020 in the North Corridor, located in Salt Lake and Davis Counties, Utah. An additional purpose of the project is to provide an alternate north-south route through the North Corridor.

Legacy Parkway is proposed, as one part of the Shared Solution, to provide part of the transportation facilities needed in the North Corridor to accommodate the safe and efficient movement of people and goods through 2020. The Shared Solution, of which Legacy Parkway is one of three major components, was developed by Utah's state, local, and regional officials as the transportation infrastructure needed to meet future transportation demand in the North Corridor. The Shared Solution includes the following primary components.

- **Interstate 15 (I-15) improvements.** Reconstruction of I-15 in the North Corridor to address design deficiencies and widen the facility from eight to ten lanes.
- **Mass transit expansion.** Expansion of mass transit in the North Corridor, including new commuter rail or other transit technology.
- **Legacy Parkway.** Construction of a four-lane, divided, limited-access highway, including a trail for pedestrian, bicycle, and equestrian uses.

The need for Legacy Parkway remains as explained in the Final EIS. However, travel demand data for existing and future traffic conditions have been examined based on the 2004 WFRC travel demand model (version 3.2), and the updated analysis confirmed that all three of the Shared Solution components are

needed to meet projected transportation demand in the North Corridor through 2020 and beyond. Environmental documentation is proceeding on each of the three main components of the Shared Solution. An EIS for proposed commuter rail is being prepared by the Federal Transit Administration (FTA) and the Utah Transit Authority (UTA); the Draft EIS was released for public comment between April 30, 2004 and June 15, 2004 (Utah Transit Authority 2004). An EIS/reevaluation for I-15 improvements is being conducted by FHWA and UDOT. And this Supplemental EIS for Legacy Parkway is being prepared by FHWA and the Corps.

The updated transportation analysis presented in the Supplemental EIS is consistent with the Final EIS findings that Legacy Parkway, in combination with other projects of the Shared Solution, is needed to relieve congestion on I-15 and achieve acceptable levels of traffic operating conditions throughout the North Corridor. The transportation analysis updated for the Supplemental EIS similarly reaffirms the need documented in the Final EIS to accommodate through-corridor traffic, promote local street traffic safety and emergency vehicle response times, and provide an alternate route during reconstruction of I-15 and emergency situations.

## **Summary of Court Ruling Analysis**

As stated above, the U.S. Court of Appeals for the Tenth Circuit determined that five specific issues presented in the Final EIS were in need of further review. Those issues are described below.

### **Narrower Right-of-Way**

The appellate court remanded in part the Legacy Parkway Final EIS for further review to consider the practicability of a narrower right-of-way than that considered in the Final EIS. After conducting a technical analysis on right-of-way issues documented in *Legacy Parkway Technical Memorandum: Right-of-Way Issues* (HDR Engineering, Inc. 2004a), it was concluded that the median width of the proposed facility could be reduced by 5 meters (m) (16 feet [ft]), resulting in a reduction in the total right-of-way width from 100 m (328 ft) to 95 m (312 ft). It was determined that this narrower median width could be used without substantially compromising the safety of the facility or the water quality function of the vegetated median. The narrower 95-m (312-ft) right-of-way width would be used for most portions of the mainline right-of-way. However, in areas where wetlands, residences, or Section 4(f) properties could be completely avoided by further reducing the width of the roadway footprint within the right-of-way, the footprint could be reduced to 80 m (264 ft). The Legacy Parkway build alternatives evaluated in this Supplemental EIS have been modified to reflect this narrower right-of-way width as the modified proposed action. Alternative E follows the same alignment as the Preferred Alternative in the Final EIS (referred to as Alternative D in this Supplemental EIS) but includes the narrower right-of-way.

### **Denver & Rio Grande Railroad Regional Corridor Alternatives**

The appellate court also remanded in part the Legacy Parkway Final EIS for further review of elimination of the D&RG Railroad regional corridor as a feasible alternative based on substantial impacts on existing development and high costs. Cost data for all regional corridors was updated, and then five specific alignment options within the D&RG Railroad regional corridor were evaluated to determine whether a reasonable alternative within the D&RG regional corridor could be developed. As part of this evaluation, planning-level cost estimates for the D&RG regional corridor and all the other regional corridors considered were updated. In addition, more detailed cost estimates for the specific alignments within the D&RG corridor were developed. Impacts related to residential, commercial, and industrial property



displacements were quantified for each D&RG alignment alternative. In addition, impacts on wetlands and communities were analyzed. The results of the more detailed reevaluation of this regional corridor, which are documented in *Legacy Parkway Technical Memorandum: Denver & Rio Grande Corridor Evaluation* (HDR Engineering, Inc. 2004b), reaffirm the conclusion from the Final EIS that this alternative is not reasonable for the following reasons.

- The D&RG alignments would require an extraordinary number of displacements compared to Alternative E.
- The D&RG alignments would have considerably more impacts on community cohesion.
- The D&RG alignments would bisect service areas of two elementary schools (compared to none for Alternative E).
- The D&RG alignments would have far greater noise and visual impacts on local neighborhoods.
- The D&RG alignments would eliminate a large portion of the tax base for the City of North Salt Lake by displacing or altering access routes to businesses.
- The D&RG alignments would cost between \$99 and \$195 million more than Alternative E.

## Integration of Legacy Parkway with Expansion of Mass Transit

The appellate court also addressed the integration of Legacy Parkway and mass transit as a possible reasonable alternative. In response to the court's holding, the lead agencies evaluated ways to integrate Legacy Parkway with expansion of mass transit, with the analysis documented in *Legacy Parkway Technical Memorandum: Integration of Mass Transit with Legacy Parkway* (Fehr & Peers 2004). A fully integrated "robust transit scenario" (referred to as *maximum future transit*) was developed as part of this analysis and used for the basis of the transit assumptions in evaluating all the build alternatives; the No-Build Alternative incorporates only those mass transit improvements included in the *Wasatch Front Urban Area Long Range Transportation Plan Update, 2004–2030* (WFRC long range plan) (Wasatch Front Regional Council 2003a). For evaluating the need for any of the other alternatives recommended, the robust transit scenario, or Maximum Future Transit Alternative, was included as part of the future baseline assumptions. The Maximum Future Transit Alternative includes physical and program-level transit improvements, such as bus rapid transit, commuter rail, and coordinated arrival times at stations for various services and modes; substantial increases in downtown parking fares; and changes in local development patterns to more transit-supportive land use patterns.

The results of the travel demand model analysis conducted as part of the reevaluation show that, even with all these transit-supportive projects, programs, and land use changes in place, an alternate highway route through the North Corridor would still be needed to meet the transportation demand through 2020. Federal, state, and local transportation officials embrace many of the concepts and improvements included in the Maximum Future Transit Alternative (as developed for the integration analysis), most of which are also included in current and future plans. However, this integration analysis concludes and officials recognize that the Maximum Future Transit Alternative alone would not meet the project purpose and need. The exploration of the robust transit alternative also provides a common point of departure for state and local planners to examine other mechanisms for integrating roadways and transit.

The integration analysis also analyzed the opportunities to physically integrate the construction of the Legacy Parkway project with construction of mass transit improvements. As a result, several opportunities for integrating the construction of Legacy Parkway with expansion of mass transit have been implemented as part of the construction work completed to date or are planned for implementation in the future. Since publication of the Final EIS, the Utah Transit Authority (UTA) commuter rail project has advanced to the point that more specific information is available about the commuter rail plans, including station locations, and it is now feasible to coordinate planning efforts between the two projects.

## Sequencing of Shared Solution

The appellate court remanded in part the sequencing, or order, of construction of the various components of the Shared Solution. The sequencing issues relate to reasonableness of reconstructing I-15 before building Legacy Parkway, delaying construction of Legacy Parkway and reconstruction of I-15 until all or part of mass transit expansion is in place, and determining whether mass transit could alleviate the immediacy of the need for I-15 reconstruction or implementation of Legacy Parkway. UDOT and the lead agencies have analyzed these questions, and the results are documented in the *Legacy Parkway Technical Memorandum: Sequencing of the North Corridor Shared Solution* (HDR Engineering, Inc. 2004c). For this analysis, various construction sequencing scenarios were developed. Scenario 1 evaluates the impacts of constructing maximum future transit first, reconstructing I-15 second, and constructing Legacy Parkway third to determine whether maximum future transit would provide sufficient congestion relief in the North Corridor to alleviate the need for Legacy Parkway or I-15 reconstruction. Scenarios 2, 3, and 4 evaluate the relative impacts of constructing maximum future transit either before or concurrently with Legacy Parkway and undertaking I-15 reconstruction last in the sequence. The sequencing analysis resulted in the following conclusions.

- Constructing maximum future transit in the North Corridor prior to building Legacy Parkway or reconstructing I-15 prior would delay the direct impacts on wetlands that would result from construction of Legacy Parkway for 3 to 7 years, respectively.
- Maximum future transit does not alleviate the immediacy of need for Legacy Parkway or I-15 reconstruction. Even with maximum future transit fully implemented by 2008 (and assuming transit-oriented development land use changes), delaying construction of Legacy Parkway (Scenario 2) would fail to meet demand from 2005 to 2015. Delaying Legacy Parkway further so that maximum future transit provides the only corridor-length alternative to I-15 during its reconstruction (Scenario 1) would substantially fail to meet demand during the I-15 reconstruction period, 2008 to 2012.
- Because of high costs to the traveling public, it is not reasonable to delay construction of Legacy Parkway or reconstruction of I-15 until maximum future transit is in place. Delaying Legacy Parkway construction or I-15 reconstruction would incur additional costs to the traveling public of between \$48 million and \$498 million from the combined loss of time and additional energy cost in the morning and evening peak periods.
- Consistent with the Final EIS findings, it is not reasonable to reconstruct I-15 prior to building Legacy Parkway. The results indicate that I-15 would experience extreme congestion without Legacy Parkway to absorb the displaced traffic during I-15 reconstruction. Scenarios 3 and 4, which sequence Legacy Parkway construction prior to I-15 reconstruction, provide faster travel times on balance over the 10-year construction period, resulting in \$498 million in lower costs to the traveling public.

The conclusions regarding sequencing were based on comparison of the impacts of the full range of sequencing combinations of the Shared Solution components. Impacts were evaluated using a range of variables, including timing of direct impacts on wetlands, costs to the traveling public, travel speeds and travel times for users of each of the Shared Solution components, air quality, construction costs, and operating and maintenance costs.

## Wildlife Impacts

The appellate court's remand also stated that the lead agencies failed to adequately consider impacts on wildlife in the Final EIS by limiting the impact evaluation to habitat within a 305-m (1,000-ft) area and failing to consider impacts on migratory bird populations that use the larger Great Salt Lake Ecosystem (GSLE). In response to the court's holding, the lead agencies conducted a reanalysis of the project impacts on wildlife that expanded on the Final EIS analysis of impacts on wildlife by considering direct, indirect, and cumulative impacts on wildlife, particularly migratory species, within and beyond a 305-m (1,000-ft) project study area in the GSLE. Project impacts on wildlife were analyzed using a three-level study area: the project study area (for direct and indirect effects), a larger regional study area (for indirect and cumulative effects), and the entire GSLE area (for context and cumulative effects analysis). The following impacts were evaluated: direct habitat loss, changes in habitat loss when combined with the natural effects of lake level change, habitat fragmentation, changes in habitat quality, habitat modification, wildlife highway mortality, human disturbance, effects on special-status wildlife, and cumulative effects.

The findings of the wildlife impact analysis, which are documented in *Legacy Parkway Wildlife Impacts Analysis Technical Memorandum* (Jones & Stokes 2004) and Section 4.13 of this Supplemental EIS, include the following.

- All the Legacy Parkway build alternatives would result in adverse direct and indirect effects and contribute to cumulative habitat loss, habitat fragmentation, and noise effects on local wildlife populations, including migratory birds.
- These impacts alone, however, would not likely affect the long-term viability of any wildlife species in the GSLE.
- Mitigation for these impacts is incorporated into the project through implementation of the Legacy Nature Preserve.

Although the right-of-way width of the proposed action has been reduced, and the amount of wetlands impact has therefore been reduced since publication of the Final EIS, the amount of acreage proposed for mitigation as part of the Legacy Nature Preserve has increased from 506 hectares (ha) (1,251 acres [ac]) to 849 ha (2,098 ac). A portion of that additional acreage was added specifically to address impacts on wildlife.

## Alternatives Considered

Chapter 3, *Alternatives*, of this Supplemental EIS contains the descriptions of the following related to the analysis of alternatives.

- **Alternatives considered in the Final EIS.** Includes alternatives that were screened out and dropped from further consideration, the No-Build Alternative, and the four proposed build alternatives (A, B, C, and E), as well as Alternative D (Final EIS Preferred Alternative).
- **Additional alternatives rigorously evaluated in this Supplemental EIS process.** Includes those alternatives evaluated herein and eliminated from detailed study and further consideration.
- **Alternative ways of implementing Legacy Parkway.** Includes using a narrower right-of-way width, integrating the construction with mass transit improvements, alternative construction sequences for Legacy Parkway with the other Shared Solution components, and alternatives without the trail component.
- **Modified build and no-build alternatives.** Includes those alternatives analyzed in detail in Chapter 4, *Supplemental Environmental Analysis*, of this Supplemental EIS.

The initial alignment screening process presented in the Final EIS considered five regional corridor alignments for Legacy Parkway: Antelope Island, Trans-Bay, Farmington Bay, Railroad (D&RG and Union Pacific Railroad [UPRR]), and Great Salt Lake. Based on the analysis in the Final EIS, five alternatives within the Great Salt Lake regional alignment were carried forward for detailed study: No-Build, Alternatives A, B, and C, and D (Final EIS Preferred Alternative). All the build alternatives analyzed in the Final EIS included a trail system for pedestrian, bicyclist, and equestrian use.

This Supplemental EIS contains detailed supplemental analysis of modified Alternatives A, B, C, and E, and the No-Build Alternative. Alternative E follows the same alignment as Alternative D (Final EIS Preferred Alternative) but includes the narrower right-of-way.

Two primary modifications have been made to the alternatives since the Final EIS: (1) the right-of-way width has been reduced to 95 m (312 ft), and (2) the project features have been designed and implemented to allow better integration with mass transit. Alternative D (Final EIS Preferred Alternative) has been dropped from further consideration. However, the impacts of Alternative D (Final EIS Preferred Alternative) are presented in some sections of Chapter 4 for comparison purposes to illustrate changes in impacts on resources between the Final EIS and the Supplemental EIS. The alignments of Alternatives A, B, C, and E are centered on a 95-m (312-ft) right-of-way and are depicted in Figure 3-2 in Chapter 3. Maximum future transit assumptions and additional components of the WFRM long range plan were included as part of the baseline for each build alternative considered in the Supplemental EIS.

This Supplemental EIS evaluated additional alternatives and reconsidered alternatives addressed in the Final EIS. The criteria used in the Supplemental EIS to evaluate alternatives that were considered but subsequently eliminated from detailed study included the ability of the alternatives to meet project purpose and need and the consideration of environmental factors such as impacts on wetlands; farmland; hazardous wastes sites; Section 4(f)/6(f) resources; and socioeconomic factors, including utility, business and residential displacements, other community impacts and cost.

The following alternatives were evaluated but subsequently eliminated from further detailed study in the Supplemental EIS.

- D&RG Railroad Alternatives.
- Parkway Facility Adjacent to Redwood Road Alternative.

- Redwood Road Arterial Alternatives.
- Maximum Future Transit Alternative.
- Ten-Lane I-15 with Reversible Lanes.
- I-15 Improvements Beyond Ten Lanes Alternative.
- Legacy Parkway Beyond Four Lanes.

In addition, the following alternative ways of implementing Legacy Parkway were evaluated.

- Legacy Parkway with a Narrower Right-of-Way.
- Integrating Construction of Legacy Parkway with Expansion of Mass Transit.
- Alternative Construction Sequences for the Shared Solution.
- Alternatives without Trail Component.

## **Revised Proposed Action**

Based on the results of the reevaluation of previously considered alternatives, evaluation of newly recommended alternatives, and studies in response to the court remand, the proposed action has been modified. The modified proposed Legacy Parkway would be a four-lane, limited-access, divided highway extending 22.5 kilometers (km) (14 miles [mi]) from Interstate 215 (I-215) in Salt Lake City north to I-15 and U.S. Highway 89 (US-89) in Farmington. A multi-use trail for pedestrians, bicyclists, and equestrians would parallel the highway throughout its entire length. The proposed trail would connect to the Jordan River Trail at the southern end and the Davis County Trail system at the northern end. Alternative D (Final EIS Preferred Alternative) proposed a right-of-way width of 100 m (328 ft), which includes a 20-m (66-ft) wide median. The new proposal includes a reduced right-of-way width of 95 m (312 ft), which includes a 15-m (50-ft) wide median. The proposed action also includes program elements (funding) and physical design features to enhance the integration of construction of Legacy Parkway with expansion of mass transit.

## **Modified Legacy Nature Preserve**

The proposed Legacy Nature Preserve, which is included as mitigation for impacts on wildlife and wetlands, has been modified since publication of the Final EIS. Although the impacts on wetlands and other wildlife habitats would be reduced from those disclosed in the Final EIS as a result of the narrower right-of-way now being proposed, the size and condition of the Legacy Nature Preserve has been enhanced. As of fall 1999, the Legacy Nature Preserve as conceptualized in the Final EIS encompassed 506 ha (1,251 ac) to mitigate impacts on wetlands. In May 2000, in consultation with USFWS, 128 ha (317 ac) of mitigation lands were added to the preserve to mitigate impacts on wildlife. In November 2000, in consultation with the EPA, 214 ha (530 ac) of mitigation land were added to the preserve. With these additions, the Legacy Nature Preserve conceptualized in this Supplemental EIS encompasses 849 ha (2,098 ac) and mitigates impacts on wetlands and wildlife. Even though the direct impacts on wetlands

would be less under Alternatives A, B, C, and E than the direct impacts identified as part of the permit application for Alternative D (Final EIS Preferred Alternative), UDOT is still recommending the same size nature preserve to ensure that all indirect impacts would be adequately mitigated.

Habitat restoration and enhancement activities that have taken place on the Legacy Nature Preserve since the Final EIS include removing roads, reseeding upland areas, leaving berms in certain areas in the southern portion of the preserve, plugging tile drains, removing interior fences, and removing utilities. Although the Final EIS mitigation plan did not recommend wetland creation to mitigate loss of wetlands, wetland creation was discussed in concept in the mitigation plan for the Record of Decision (ROD). These wetlands were to be created by using artesian wells to develop additional wetland hydrology in the mitigation preserve. These wells have been established, and approximately 5 ha (12 ac) of groundwater slope wetlands have been created. Other activities to be implemented that would enhance the habitat quality in the preserve include controlling human disturbance such as disallowing grazing, developing and implementing an invasive weed control plan, and managing water flows.

## **Identification of Preferred Alternative**

Alternative D, the Final EIS Preferred Alternative, has been eliminated from further consideration in favor of alternatives that have a narrower right-of-way. No Preferred Alternative has been identified in this Draft Supplemental EIS. The lead agencies will review public comments on this Draft Supplemental EIS before identifying a Preferred Alternative. After review and consideration of the public comments on the Draft Supplemental EIS analysis, a Preferred Alternative will be identified and presented in the Final Supplemental EIS.

## **Reevaluation of Final EIS**

Chapter 4 of this Supplemental EIS presents the results and updates of technical analyses completed as part of the reevaluation. The reevaluation process is explained in the *Foreword/Introduction* and the results of the studies in response to the court remand are presented in Chapter 2, *Court Ruling Analysis*. The Supplemental EIS incorporates information obtained during the reevaluation process in Chapter 4, *Supplemental Environmental Analysis*. Table S-1 summarizes major environmental impacts for each build alternative analyzed in detail in the Supplemental EIS. Modified versions of Alternatives A, B, and C from the Final EIS are considered in the Supplemental EIS, as well as Alternative E. Alternative D (Final EIS Preferred Alternative) was eliminated from further consideration; however, impacts for Alternative D are shown in the Supplemental EIS to facilitate comparison of the Final EIS Preferred Alternative with the modified alternatives.



**Table S-1** Summary of Major Environmental Impacts by Alternative

Impact Category	Alternative				
	A (312-ft ROW)	B (312-ft ROW)	C (312-ft ROW)	D* (328-ft ROW)	E (312-ft ROW)
Wetlands Affected, hectares (acres)					
Filled	44 (108)	76 (187)	60 (148)	46 (114)	45 (113)
Indirectly Affected	218 (539)	409 (1,011)	367 (907)	233 (575)	233 (575)
Relocations					
Residences	7	14	5	4	4
Businesses	16	10	9	14	14
Farmsteads	0	2	0	0	0
Horse Paddocks	15	16	8	10	10
Noise (Receptors Affected)	23	27	26	25	25
Archaeological Resources	2	3	2	2	2
Historic Resources	2	2	2	2	2
Section 4(f)/6(f) Impact Area, hectares (acres)					
4(f) Area	6.4 (15.9)	20.5 (50.7)	7.6 (18.7)	6.8 (16.8)	6.8 (16.8)
6(f) Area	0.3 (0.8)	1 (2.5)	0.3 (0.8)	0.3 (0.8)	0.3 (0.8)
Farmland Lost, hectares (acres)					
Prime	9 (23)	36 (88)	11 (28)	13 (31)	12 (29)
State-important	0 (0)	1 (2)	0 (0)	0 (0)	0 (0)
Cost	\$420,780,000	\$533,070,000	\$453,190,000	\$429,880,000	\$425,890,000

Note:

\* Previously proposed Alternative D is presented for comparison purposes only.

## **Areas of Controversy**

### **Definition of *Integration of Mass Transit***

The appellate court remand stated that the Legacy Parkway Final EIS failed to consider the integration of Legacy Parkway with the expansion of mass transit. While the court specified that the Final EIS should provide information on the timing and feasibility of integrating Legacy Parkway with mass transit, the court did not define *integration*. The lead agencies define *integration* as how the roads and transit system can be built together, how they function with one another, and how the usage of both systems can be optimized.

## **Consideration of Non-Highway Alternatives**

Differences of opinion expressed during the preparation and subsequent litigation on the Final EIS were discussed during the Supplemental EIS scoping process, including at CPIC meetings and small group meetings. Local Davis County elected officials and agency representatives spoke in favor of implementing Alternative D (Final EIS Preferred Alternative). Contrasting opinions were expressed by individuals and non-governmental organizations, including Utahns for Better Transportation (UBT), who have called for reconsideration of expediting nonroadway alternatives, in favor of prioritizing mass transit and promoting transit-oriented development solutions in the North Corridor.

## **Major Unresolved Issues**

Extensive public and agency input was solicited during the preparation of this Supplemental EIS. Some disagreement remains with cooperating agencies concerning the secondary purpose of the project: “To provide a single, continuous alternate north-south route through the North Corridor to improve safety when I-15 is closed, congested, or under construction and to provide an alternate north-south route for emergency service vehicles throughout the North Corridor.” EPA has expressed concern that this purpose forces the consideration of new roadways on new alignments. Given the limited availability of land between the Wasatch Front and Great Salt Lake, this secondary purpose may lead to unavoidable impacts on special aquatic sites. The lead agencies’ view remains that the North Corridor Shared Solution represents the result of a public planning process that has concluded that increased capacity on I-15, a new facility on a parallel north-south alignment, and substantially expanded mass transit are all needed as part of a multi-modal solution to meet transportation needs in the North Corridor. It should be noted, however, that no alternatives were screened out based on not meeting the “alternate route” secondary purpose alone.

## **Required Federal Actions**

The lead agencies and cooperating agencies will use this Supplemental EIS to support subsequent approvals and permitting actions. Based on information presented in the Draft Supplemental EIS and the identification of the Preferred Alternative in the Final Supplemental EIS, FHWA will make a decision on the request to connect the proposed action to I-215 and I-15. Once the Final Supplemental EIS is filed, FHWA will publish a Record of Decision on the proposed action.

Concurrent with the release of this Draft Supplemental EIS, UDOT is applying for a modification to its Section 404 permit related to the narrower right-of-way of the proposed action. The Corps intends to evaluate the request to modify the Section 404 permit based on the updated and additional information presented in the Draft Supplemental EIS.